



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

July 31, 2009

**Re:** Athens County  
Summit at Coats Run Development  
Stormwater Construction Activity  
Notice of Violation  
Permit Number 0GC00681\*AG

Mr. Rick Kirk  
Hallmark Athens Student Housing LLC  
150 E. Broad Street  
Columbus, Ohio 43215

Dear Mr. Kirk:

On July 2, 2009, I visited your site that is southwest of Richland Avenue and Dairy Lane in Athens. The purpose of the inspection was to determine the compliance status of this site with the National Pollutant Discharge Elimination System (NPDES) permit for discharges of storm water associated with construction activity. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. The following areas need to be addressed:

**Permit Coverage:**

1. Part III.G.2.d.ii of the permit requires concentrated runoff and runoff from drainage areas, which exceed the design capacity of silt fence or inlet protection, to be conveyed to a sediment settling pond. Sites over 10 acres must install a sediment pond. Sediment ponds must be capable of holding 67 cubic yards of storage per on site and off site drainage acre. Sediment must be removed from the sediment pond when the design capacity has been reduced by 40 percent (this is typically reached when the pond is half full). **Two of the Sediment ponds at the back of the site are over loaded with sediment and need to be cleaned out.**
2. Part III.G.2.b.ii. of the permit states that operators shall stabilize channels and outfalls to prevent erosive flows. Techniques may include seeding, mulching, erosion control matting, sodding, rip rap, or rock check dams. **The channel leading to one of the rear sediment ponds is causing erosion. Rip rap should be added to this channel in order to prevent further erosion.**

3. The unintended release or spill of a hazardous material must be minimized in accordance with the applicable SWP3 for the construction site according to Part I.B.5 of the permit. At no time may the storm water discharge contain amounts of hazardous substances equal to or in excess of the reportable quantity for that material set forth in 40 CFR 117. **The diesel fuel container is lacking secondary containment; please provide containment immediately in order to prevent accidental spillage of fuel.**
  
4. Part III.G.2.b.i. (Table 2) of the permit requires that any area that will lie dormant for more than 21 days, but less than a year be stabilized within 7 days of the most recent disturbance. **There is some erosion and slippage from the upland area above one of the sediment ponds at the back of the site. This area needs to be stabilized either by erosion control matting or by seeding the area.**

Sediment and erosion controls for your site must meet the guidelines and design criteria set forth in the above mentioned *Rainwater and Land Development* manual. A copy of this manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil and Water Conservation, at (614) 265-6610.

Within fourteen (14) days of receipt of this letter, please submit to me at this office a written notification as to actions taken or proposed to eliminate violations of the permit. Your response should include the dates, either actual or proposed, for the completion of the actions. If you have any questions, please contact Aaron Wolfe at (740) 380-5277 or me at (740) 380-5226.

Sincerely,



Michael See  
Storm Water Section  
Division of Surface Water

MS/dh